

Docket No.: ECV-5631

## BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Diana Nguyen-Thien-Nhon, et al.

) Group Art Unit: 3738

Application No.: 09/745,386

) Examiner: Unknown

Filing Date: December 21, 2000

For: HEART VALVE HOLDER THAT RESISTS SUTURE  
LOOPINGT-H  
8-30-02  
12/13/02AMENDMENT AFTER FINAL UNDER 37 CFR §1.116Commissioner of Patents  
Washington, D.C. 20231

Dear Sir:

Responsive to the Final Office Action dated July 11, 2002, please take into consideration the following changes and remarks.

IN THE CLAIMS:

Please withdraw claims 5-7 and 26 as being directed to a non-elected invention.

**REMARKS**

Prior to the present Office Action, claims 1-7 and 24-26 were pending. Claims 5-7 and 26 have been withdrawn, and therefore claims 1-4 and 24-25 are presently at issue.

In response to the Examiner's reconsideration of the previous species restriction, Applicants have withdrawn claims 5-7 and 26 as being drawn to non-elected species II.

Claims 1-4, 24, and 25 stand rejected under 35 U.S.C. section 103(a) as being obvious in view of U.S. Patent No. 4,865,600 to Carpentier, et al. The previous section 102 rejection on the basis of Carpentier, et al. was converted to the present section 103 rejection, and Applicants earnestly request the Examiner to reconsider the new ground for rejection based on the following remarks. No new issues are presented herein.

As stated previously, Carpentier, et al. do not show or teach the claimed configuration. Specifically, as seen clearly at the bottom of Fig. 8 in Carpentier, et al., the lengths of suture diverge in opposite directions at the commissure tips rather than crossing over.

The examiner argues that: a) it would have been an obvious design choice to provide the

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Application No.: 09/745,386

Examiner: Alvin Stewart

Filing Date: December 21, 2000

For: HEART VALVE HOLDER THAT RESISTS SUTURE  
LOOPING

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AUG 29 2002

GROUP 3700

AMENDMENT TRANSMITTALCommissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Transmitted herewith is an amendment after final in three (3) pages responsive to an Office Action dated July 11, 2002.

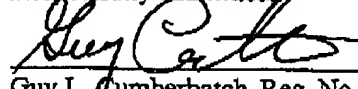
(X) The fee has been calculated as shown below:

	(Col. 1) Claims Remaining After Amendment	Minus	(Col. 2) Highest Prev. Paid For	(Col. 3) Present Extra	OTHER THAN A SMALL ENTITY Rate Fee
Total Claims	10	-	23	= 0	x 18 = \$0
Indep Claims	1	-	3	= 0	x 78 = \$0
TOTAL DUE					\$0

(X) Please charge any additional fees or credit any over-payment to Deposit Account No. 501225 (Docket No. (ECV-5631). A copy of this sheet is enclosed.

Date: August 29, 2002

Respectfully submitted,

  
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## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the above-identified document is being transmitted via facsimile to Technology Group 3700, c/o the Commissioner for Patents, fax no. (703) 872-9303, Washington, D.C. 20231 on August 29, 2002.

By:   
Guy Cumberbatch